

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Arturo RUIZ

Case No. 19-MJ-3092

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 9, 2019 in the county of San Miguel in the
 District of New Mexico, the defendant(s) violated:

Code Section

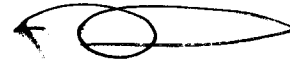
Offense Description

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Thomas C. Neale, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/10/2019

Judge's signature

City and state: Albuquerque, New Mexico

Hon. B. Paul Briones, US Magistrate Judge

Printed name and title

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
SEP 10 2019
MITCHELL R. ELFERS
CLERK

AFFIDAVIT IN SUPPORT OF ARREST WARRANT & CRIMINAL COMPLAINT

INTRODUCTION

I, Thomas C. Neale, being duly sworn, depose and say:

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since September 2015; prior to this, I was a Richmond, Virginia police officer for approximately 6 years and have completed basic law enforcement academies in both organizations. As a law enforcement officer, I have conducted numerous investigations of narcotic and firearm-related offenses, to include narcotics use and distribution, and possession of firearms by convicted felons.
2. This affidavit is based on information obtained from the Las Vegas, New Mexico Police Department (LVPD) and does not set forth all of my knowledge related to this investigation. This affidavit is submitted in support of an arrest warrant and criminal complaint charging Arturo RUIZ (born in 1969) with 18 U.S.C. § 922(g)(1); Felon in possession of a firearm.

CRIMINAL HISTORY

3. RUIZ has the following felony convictions in New Mexico state court:
 - a. (2004) Burglary (dwelling house), NMSA § 30-16-3(A);
 - b. (2004) Larceny \$250-\$2500, NMSA § 30-16-1(C);
 - c. (2004) Contributing to the delinquency of a minor, NMSA § 30-6-3;
 - d. (2013) Residential burglary, NMSA § 30-16-03(A); and
 - e. (2013) Receiving stolen property – Dispose (\$500 - \$2,500), NMSA § 30-16-11.

JULY 9, 2019 ARREST AND FIREARMS SEIZURE

4. On July 9, 2019, LVPD officers were traveling in the 700 block of South Pacific Street, Las Vegas, New Mexico, when they heard random transmissions over their police radios. The transmissions appeared to originate from an unauthorized (non-law enforcement/emergency

AFFIDAVIT IN SUPPORT OF ARREST WARRANT & CRIMINAL COMPLAINT

personnel) individual. The first transmission stated, "Marcos has the keys mom¹." Hearing this, the officers traveled toward the residence of Marcos Ruiz, who was already known to the officers, in the 700 block of Union Street to investigate further. Another transmission was broadcasted stating, "I can't find my tripa." The officers recognized the word "tripa" as slang for narcotics or narcotic paraphernalia.

5. As the officers arrived near Marcos Ruiz's residence, they observed a grey 2006 Dodge Caravan depart the residence with Arturo RUIZ in the front passenger seat. Upon information and belief, Arturo RUIZ and Marcos Ruiz are brothers. The officers were aware that Arturo RUIZ had an outstanding warrant for his arrest. One of the officers made eye contact with Arturo RUIZ and heard him say via the police radio, "Mom, there's the narcos" and to "go faster because I have the gun." The officers conducted a traffic stop on the Dodge in the 300 block of Rincon Street and observed Arturo RUIZ holding a small, handheld radio used by law enforcement or fire personnel.

6. All of the occupants were instructed to exit the Dodge and officers observed in plain view a loaded black Springfield XD .40 caliber semi-automatic pistol, serial number MG330550, on the seat occupied by Arturo RUIZ'S wife, Katherine Castillo. Castillo was subsequently interviewed and stated that the firearm belonged to her, however she attempted to hide it because Arturo RUIZ is a convicted felon. She also denied that Arturo RUIZ was in possession of the firearm, although he was aware that she had it. Arturo RUIZ refused to answer questions.

7. Arturo RUIZ was arrested by LVPD on the following state charges:

- a. Possession of firearm or destructive device by a felon, NMSA § 30-07-16
- b. Tampering with evidence, NMSA § 30-22-05(B)(2)

¹ Broadcasted transmissions are based on officers' recollections and are paraphrased

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- c. Conspiracy to tamper with evidence, NMSA § 30-28-02 & 30-22-05(B)(2)
- 8. Castillo was arrested by LVPD on the following state charges:
 - a. Tampering with evidence, NMSA § 30-22-05(B)(2)
 - b. Conspiracy to tampering with evidence, NMSA §§ 30-28-02 and 30-22-05(B)(2).

FIREARMS TESTING AND INTERSTATE NEXUS

- 9. The firearm was tested by the New Mexico Department of Public Safety and determined to be functional. Additionally, I am aware that Springfield XD firearms are manufactured in Croatia.

CONCLUSION

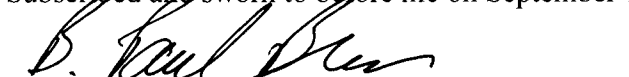
- 10. Based on the above information, I believe that there is probable cause to charge Arturo RUIZ of illegally possessing a firearm as a convicted felon, in violation of 18 U.S.C. § 922(g)(1).
- 11. Supervisory Assistant United States Attorney Jack Burkhead approved this complaint.

Respectfully submitted,



Thomas C. Neale
FBI Special Agent

Subscribed and sworn to before me on September 10, 2019:



The Honorable B. Paul Briones
United States Magistrate Judge